

AN ORDINANCE

04- ○ -1254

BY COUNCILMEMBER ANNE FAUVER

AN ORDINANCE TO AMEND CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA SO AS TO AMEND SECTION 10-48 TO PRESCRIBE A NEW PROCESS FOR APPLYING FOR A LICENSE TO SELL ALCOHOLIC BEVERAGES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages in order to provide for the safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the Public Safety/Legal Administration Committee of the Atlanta City Council formed a task force, known at the Alcohol Technical Advisory Group (ATAG), to undertake the review of the alcohol licensing code; and

WHEREAS, ATAG has completed a review of several areas of the alcohol licensing code and recommends approval of this ordinance; and

WHEREAS, many neighborhoods, applicants, members of the Department of Planning and Neighborhood Conservation, members of the Licenses and Permits Unit of the Atlanta Police Department and members of the License Review Board do not believe that the application process set forth in the Atlanta Code of Ordinances at Section 10-48 adequately addresses their needs or functions efficiently in reviewing applications for alcoholic beverage licenses; and

WHEREAS, under the current process for granting alcohol licenses, on many occasions applicants for liquor licenses appear before Neighborhood Planning Units (NPUs) long before they have actually filed an application for a license; and

WHEREAS, neighborhood representatives often address questions to the applicant for a liquor license at an NPU meeting that would have been answered in the application filed with the Licenses and Permits Unit had such application been filed; and

WHEREAS, many NPUs are desirous of receiving the actual application, or a portion thereof, filed with Licenses and Permits Unit, and of having the applicant come before the NPU already having filed that application.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1.

That Chapter 10, Article II, Division 2, Section 10-48 be amended to delete the current language and to insert in lieu thereof the following language:

Sec. 10-48. Application.

- (a) All persons desiring to obtain a license required under this division shall make written application to the Licenses and Permits Unit of the Atlanta Police Department for that privilege upon forms approved by the License Review Board. The application shall consist of two sections. Section 1 of the application will be used by the Licenses and Permits Unit, the License Review Board and the relevant Neighborhood Planning Unit (NPU). Section 2 of the license application will be used only by the Licenses and Permits Unit and the License Review Board for confidential investigation. The applicant shall complete the application and file it with the Licenses and Permits Unit along with all required supporting documentation and a non-refundable three hundred dollar (\$300) filing fee payable by money order or certified check.
- (b) The application shall be sworn to by the applicant or agent thereof and shall state the following:

 - (1) The name and address of the applicant;
 - (2) If a corporation, the names of the officers
 - (3) If a partnership, the names of the partners;
 - (4) The address where the proposed business is to be located;
 - (5) Information regarding the distance of the location from the uses identified in Section 10-88 or 10-88.1 provided however that such information need not be provided if the proposed business or location is exempt from or not required to comply with the measurements identified in Section 10-88 and 10-88.1;
 - (6) The nature and character of the business to be carried on;
 - (7) The hours or operation of the proposed licensed business;
 - (8) The name of the Agent/Licensee;
 - (9) The name of the manager of the business;
 - (10) The identity of the owner of the property where the business is located;
 - (11) The plan for traffic flow, control and access in case of fire or other catastrophe;

- (12) **Ingress and egress to the property and proposed structure or uses thereon with particular preference to automotive and pedestrian safety and convenience;**
 - (13) **Parking and loading areas where required, with particular attention to the items in subsections (10) and (11) immediately preceding this subsection;**
 - (14) **Refuse and service areas and plans for maintenance thereof;**
 - (15) **The plan for appropriate buffering or screening to alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, signs or traffic congestion;**
 - (16) **Security plans and plans for training of employees;**
 - (17) **The nature of any entertainment to be provided on premises;**
 - (18) **Provisions for parking; and**
 - (19) **Such other information as may be required by the Atlanta Police Department Licenses and Permits Unit or the License Review Board to investigate compliance with the provisions of this Chapter.**
- (c) **All applicants shall furnish all data, information and records requested of them in writing by the License Review Board or the Department of Police, and failure to furnish this data, information and records within 30 days from the date of the request shall automatically dismiss, with prejudice, the application provided however the License Review Board may extend the time to respond for good cause shown. Applicants, by filing an application, agree to produce for oral interrogation any person requested by the License Review Board, the Department of Police or the City Attorney and considered as being important in the ascertainment of the facts relative to the license. The failure to produce the person within 30 days after being requested to do so shall result in the automatic dismissal of the application provided however the License Review Board may extend the time to respond for good cause shown.**
- (d) **Upon receipt of an application, the Licenses and Permits Unit shall make a copy of Section 1 of the application and provide the copy and a blank NPU Report Form to the applicant. Within five (5) business days, the applicant shall take the copy of Section 1 of the application and the blank NPU Report Form to the commissioner of the Department of Planning, Development and Neighborhood Conservation (DPDNC), or his designee for assignment to the appropriate NPU.**
- (e) **The DPDNC shall provide the applicant with a "Notice to Appear" before the NPU in which the proposed licensed establishment is located. The DPDNC shall determine the date of the next regularly scheduled meeting at which it is possible for the applicant to appear, shall schedule the appearance on that date and shall include that information and the contact telephone numbers for the representatives designated by the NPU to handle liquor license applications on the Notice to Appear.**

The applicant shall be afforded the opportunity to appear before the NPU within 45 days from the date the applicant receives the Notice to Appear from the DPDNC. The date of the Notice to Appear shall not be included in the 45-day calculation. A copy of the notice to appear shall be forwarded by DPDNC to the NPU designee along with a copy of Section 1 of the application and a blank NPU Report Form. The applicant and the NPU may mutually agree to hold the hearing outside the above-described 45-day time period. Should the NPU fail to hold the hearing for the applicant within the above-described 45-day time period or on the date mutually agreed to by the applicant and the NPU, the form upon which the NPU provides its recommendation and comments shall indicate "no recommendation" by the NPU and shall immediately be executed and forwarded by the NPU to the DPDNC as set forth in section 10-48(f)(5) upon the expiration of the above-described 45-day time period or the date for the applicant's hearing mutually agreed to by the applicant and NPU.

- (f) All applicants for licenses to sell alcohol shall abide by the following regulations pertaining to appearances before the appropriate NPU:**
- (1) The applicant shall appear before the appropriate NPU on the scheduled date set forth in the Notice to Appear. At such meeting, the applicant shall be prepared to respond, to the best of his ability, to any questions regarding Section 1 of the application. The applicant shall provide, to the best of his ability, any additional relevant information about the proposed licensed establishment, which the NPU members want to know.**
 - (2) If the applicant fails to appear at the NPU meeting on the scheduled set forth in the Notice to Appear, the applicant shall be required to request from the DPDNC a new date on which the applicant shall appear before the NPU and a new Notice to Appear. The NPU shall submit its original NPU Report Form to DPDNC indicating that the applicant failed to appear by checking that box on the form. Once the DPDNC schedules a new date for the applicant to appear, the DPDNC shall send to the NPU designee a new Notice to Appear and a new NPU Report Form.**
 - (3) After the applicant appears before the NPU, the NPU shall provide its recommendation to the DPDNC in writing on the form to be provided by the DPDNC. The form shall contain the following information:**
 - a. The name and address of the proposed licensed business;**
 - b. The name and address of the owner of the proposed licensed business;**
 - c. The name of the Agent/Licensee of the proposed licensed business;**
 - d. The date the applicant appeared before the NPU;**
 - e. The comments of the NPU as set forth in section 10-48(f)(4); and**
 - f. Whether the NPU:**

1. Recommends that the license be approved;
 2. Recommends that the license be denied; or
 3. Provides no recommendation.
- (4) In making its recommendation, the NPU shall consider and provide comments regarding any information contained in Section 1 of the application and any additional information the applicant provides at the NPU meeting. The NPU shall specifically note any information not found within the application but provided at the meeting and relied upon by the NPU in making its recommendation.
 - (5) The form upon which the NPU provides its recommendation and comments shall be signed by the chairperson of the NPU, or his designee. The NPU shall have five (5) days from the date on which the applicant appears before the NPU to submit the written, signed recommendation form to DPDNC and to provide a copy to the applicant. The date of the NPU meeting shall not be included in the 5-day calculation. The form upon which the NPU provides its recommendation and comments shall be signed by the commissioner of the DPDNC, or his designee within three (3) days after its receipt from the NPU. Such signatures shall confirm the accuracy of the NPU recommendation. The original signed form shall be sent by the commissioner of the DPDNC or his designee to the Atlanta Police Department's Licenses and Permits Unit and a copy thereof shall be maintained in the DPDNC.
 - (6) The License Review Board shall not hear any application for a license to sell alcohol if the signed form verifying the applicant's attendance before the NPU, or indicating that the NPU has no recommendation as to the applicant, has not been submitted to the Licenses and Permits Unit.
 - (7) Any application for a license to sell alcohol that receives a recommendation from the NPU that the license be denied shall be listed on the License Review Board agenda for the date of the hearing on that application as, "PRESENTED WITH NPU RECOMMENDATION FOR DENIAL."
 - (8) The commander of the Licenses and Permits Unit, or his designee, shall notify the commissioner of the DPDNC, or his designee, of the date, time and place of the License Review Board hearing scheduled for each application. Within three days after the commissioner of the DPDNC, or his designee, receives such information, he shall notify the appropriate city councilmembers (district and at-large) and the designated representative of the NPU of the date, time, and place of the hearing before the License Review Board. Such notification shall also include the name of the applicant and the address of the proposed business.
- (g) Within 48 hours of the receipt of each new application for a liquor license, the Licenses and Permits Unit of the police department shall forward a copy of Section 1 of the application to the councilmember who represents the district within which the applicant proposes to sell alcohol and to all at-large councilmembers.

- (h) In addition to the above requirements, an applicant for a new or renewal license to sell alcoholic beverages as a private club, as defined in section 10-1, shall submit the names, addresses, and telephone numbers of each of its officers and directors of the private club, and of any other person(s) who will manage, operate, direct, supervise or otherwise have any control over the day to day operations of the private club, including the sale of alcoholic beverages. Such information shall be submitted to the Licenses and Permits Unit on a quarterly basis by the first day of each of the following months: January, April, July, and October. Furthermore, the applicant must submit the minutes of any meeting held during the prior 12 months at which time the salary of any member, director, officer, agent, or employee of the corporation has been set. The private club must also provide proof of its tax exempt status under section 501(c) of the Internal Revenue Code. The failure of the applicant to submit the information set forth herein shall be grounds for denial, suspension, revocation of the license and/or the implementation of a fine of up to \$1,000.00.
- (i) A person desiring to obtain a license to sell alcoholic beverages in a leased location within a licensed premises, shall, in addition to the application required hereinabove, provide additional sworn application forms and the required application fees for each proposed leased location. The prospective lessees shall in all other respects comply with this code section. In the event a licensee shall seek to change, substitute or add a leased location within the licensed premises, then before alcohol sales can continue or commence, the individuals in control of the proposed leased locations must comply with the provisions of this code section. No applicant or licensee may allow sales of alcoholic beverages at a leased location within a licensed premise without compliance with this section and all other applicable provisions of this chapter.

Section 2.

The terms and conditions of this ordinance shall apply to all licenses, whether new or renewal, applied for after the enactment of this Ordinance.

Section 3.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.